

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEBORAH A. JESTER  
Plaintiff

v.

MICHAEL J. ASTRUE,  
Commissioner of the  
Social Security Administration,  
Defendant

CIVIL ACTION

NO. 08-1869

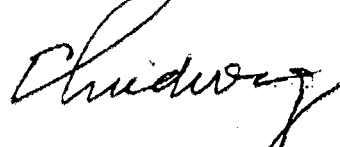
**ORDER**

AND NOW, this 10<sup>th</sup> day of February, 2009, after careful review and independent consideration of Plaintiff's request for review, Defendant's response thereto, Plaintiff's reply thereto, and review of the Report and Recommendation of Carol Sandra Moore Wells, United States Magistrate Judge, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Plaintiff's Request for Review is **GRANTED** in part and **DENIED** in part.
3. The case is **REMANDED** to the Commissioner of the Social Security Administration so that the Administrative Law Judge ("ALJ") can conduct additional proceedings consistent with the Report and Recommendation. Specifically, upon remand, the ALJ shall: (a) reconsider the disability examiner's report and the opinions of Dr. Gerald E. Dworkin; (b) reconsider Plaintiff's credibility concerning her complaints of pain after accurately evaluating the evidence related to her credibility; (c) reconsider Plaintiff's residual functional capacity ("RFC"); and (d) pose hypothetical questions to the vocational expert which contain Plaintiff's new RFC assessment and any other limitations Dr. Dworkin found that the ALJ chooses to credit.

It is so **ORDERED**.

BY THE COURT:



EDMUND V. LUDWIG, J.